

PREVAILED

Roll Call No. _____

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HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 456 be amended to read as follows:

- 1 Page 9, between lines 23 and 24, begin a new paragraph and insert:
- 2 "SECTION 14. IC 15-7-10 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2001]:
- 5 **Chapter 10. GMO Product Actions**
- 6 **Sec. 1. As used in this chapter, "blending" means the**
- 7 **unintentional mixing or commingling of gmo products and**
- 8 **non gmo products during harvesting of crops that results in the**
- 9 **presence of a gmo gene in a non gmo product.**
- 10 **Sec. 2. As used in this chapter, "cross pollination" means the**
- 11 **airborne transfer and introduction of pollen or geoplasm from a**
- 12 **gmo product into a non gmo product that results in the presence of**
- 13 **a gmo gene in the non gmo product.**
- 14 **Sec. 3. As used in this chapter, "gmo product" means a**
- 15 **biogenetically designed or modified agricultural seed or crop that:**
- 16 **(1) eliminates the need for pesticides;**
- 17 **(2) bolsters the nutrients in a crop; or**
- 18 **(3) provides other agricultural or nutritional benefits in a seed**
- 19 **or crop.**
- 20 **Sec. 4. As used in this chapter, "manufacturer" means a person**
- 21 **(as defined in IC 14-8-2-202(a)) who makes a gmo product.**
- 22 **Sec. 5. As used in this chapter, "non marketable" means the**
- 23 **refusal of a domestic, foreign, or international agricultural entity to**
- 24 **purchase a crop because of the presence of a gmo product gene in**

1 the crop.

2 **Sec. 6. A producer of a non gmo crop who harvests a crop that is**
3 **non marketable due to cross pollination or blending from a gmo**
4 **product may bring a civil action against a manufacturer for:**

5 **(1) actual damages;**

6 **(2) treble damages; and**

7 **(3) costs and reasonable attorney's fees.**

8 **Sec. 7. An action brought under section 6 of this chapter must be**
9 **commenced not more than two (2) years after the date the producer**
10 **becomes aware of the non marketability of the non gmo crop."**

11 Renumber all SECTIONS consecutively.

(Reference is to ESB 456 as printed March 28, 2001.)

Representative Grubb